

# **INDIANA BOARD OF PHARMACY**

## **Indiana Professional Licensing Agency**

Conference Center Room W064  
402 W. Washington St.  
Indianapolis, IN 46204

**MINUTES OF June 9, 2008**

### **CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer William Cover called the meeting to order at 9:10 a.m. in Conference Center Room A of the Indiana Government Center-South, 302 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

#### **Board Members Present:**

William Cover, R.Ph., President  
Del T. Fanning, R.Ph., Vice President  
Steve Anderson, R.Ph., Member  
Donna Wall, PharmD., R.Ph, Member  
Winnie Landis, R.Ph., Member  
Sara St. Angelo, PharmD, R.Ph., Member

#### **Board Members not in attendance:**

#### **State Officials Present:**

Marty Allain, Board Director, Indiana Professional Licensing Agency  
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency  
Tasha Coleman, Case Manager/Temporary Asst. Dir., Indiana Professional Licensing Agency  
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

A motion was made and seconded to adopt the agenda.

**Landis/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to adopt the May 2008 Minutes.

**Landis/Fanning**

**Motion carried 6/0/0**

Reports were given by the Compliance Officers.

Dean Mary Andritz from Butler University College of Pharmacy appeared before the board regarding the REACH program.

Michael Sievers on behalf of Lutheran Hospital of Indiana appeared before the board regarding Lutheran Muscular Healthcare Center. A motion was made and seconded to table the issue requesting a legal opinion in writing from Lutheran Hospital.

**Landis/St. Angelo**

**Motion carried 6/0/0**

Nafe Alick with Alick's Drugs Inc #2 appeared before the board regarding pharmacy practice issues arising from Compliance Officer inspection. A motion was made and seconded to conduct a follow-up inspection within sixty (60) days.

**Anderson/St. Angelo**

**Motion carried 6/0/0**

Dale Herring appeared before the board regarding his pharmacist application. A motion was made and seconded to deny the pharmacist application for Dale Herring.

**Landis/Wall**

**Motion carried 6/0/0**

Representatives of The Heart Hospital at Deaconess Gateway, LLC and their counsel Michelle Baldwin appeared before the board regarding pharmacy services in the hospital.

*Steve Anderson attended meetings for the review of positive response applications for Beth Zehr, Kara Longoria, Michelle Berg, and Johnathan Heyder.*

A prehearing conference was held in the following matters. Board member Donna Wall, Gordon White, Respondents' counsel Mike McMains & Michelle Baldwin, and DAG Mark Mader attended the conference.

**In the Matter of the Indiana License of CVS Pharmacy #6557**

License No. 60004589A

Administrative Cause No.: 2007 IBP 0026

Re: Final Hearing

**In the Matter of the Indiana License of CVS Pharmacy #6594**

License No. 60004762A

Administrative Cause No. 2007 IBP 0028

Re: Final Hearing

**In the Matter of the Indiana License of CVS Pharmacy #6580**

License No. 60004574A

Administrative Cause No. 2007 IBP 0030

Re: Final Hearing

**In the Matter of the Indiana License of CVS Pharmacy #6583**

License No. 60004679A

Administrative Cause No. 2007 IBP 0032

Re: Final Hearing

**In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #7791**

License No. 60004983A

Administrative Cause No. 2007 IBP 0040

Re: Final Hearing

**In the Matter of the Indiana License of CVS Pharmacy #4982**

License No. 60005698A

Administrative Cause No. 2007 IBP 0042

Re: Final Hearing

**In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #6605**

License No. 60004744A

Administrative Cause No. 2007 IBP 0044

Re: Final Hearing

**In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #8674**

License No. 60005223A

Administrative Cause No. 2007 IBP 0060

Re: Final Hearing

**In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #8682**

License No. 60005302A

Administrative Cause No. 2007 IBP 0062

Re: Final Hearing

**In the Matter of the Indiana License of CVS Pharmacy #6254**

License No. 60004549A

Administrative Cause No. 2007 IBP 0064

Re: Final Hearing

**In the Matter of the Indiana License of Low Cost Rx #2, Inc.**

License No. 60005206A

Administrative Cause No. 2007 IBP 0050

Re: Final Hearing

**In the Matter of the Indiana License of Terry Cole, R.Ph**

License No. 26011608A

Administrative Cause No. 2007 IBP 0051

Re: Final Hearing

Aaron Kirkpatrick appeared before the board regarding his pharmacist renewal application. A motion was made and seconded table the application; board requested the submission of probation information; and following said submission requested a second personal appearance.

**Anderson/Landis**

**Motion carried 4/0/0**

Eric Norrington appeared before the board regarding his pharmacist application. A motion was made and seconded to approve the pharmacist application for Eric Norrington.

**Landis/St. Angelo**

**Motion carried 4/0/0**

Nusrat Motlekar appeared before the board regarding a request to waive pharmacist intern hour requirement. The board advised her that it does not have the authority to waive the statutory requirement.

*Steve Anderson returned to the meeting.*

Beth Zehr appeared before the board regarding her pharmacist intern renewal application. A motion was made and seconded approve the application pending the approval of probation completion.

**Anderson/Landis**

**Motion carried 5/0/0**

Kara Longoria and Michelle Berg appeared before the board regarding their pharmacist intern renewal applications. A motion was made and seconded to approve the renewal applications and requested the registrants submit proof of their completion of the drug diversion programs.

**Anderson/St. Angelo**

**Motion carried 5/0/0**

Johnathan Heyder appeared before the board regarding her pharmacist intern renewal application. A motion was made and seconded to approve the application.

**Anderson/Landis**

**Motion carried 5/0/0**

Jaren Southwick did not make his appearance. He contacted the Board office on the previous Friday to request withdrawal of his pharmacy technician application.

Angelique Meunier and Haley Quade failed to appear before the board regarding technician applications. A motion was made and seconded to table the applications and again request personal appearances for the applicants.

**Landis/Fanning**

**Motion carried 5/0/0**

*Donna Wall & Gordon White returned from pre-hearing conference.*

**In the Matter of Indiana License of Bruce Birch, R.Ph.**

License No. 26012480A

Administrative Cause No. 2002 IBP 0007

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Bruce Birch, Respondent

**Participating Board Members:**

Fanning

Anderson

Landis

St. Angelo

**Witnesses for the Respondent:**

Bruce Birch

Carl Erdmann

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw the probation of Respondent's license.

**Landis/St. Angelo**

**Motion carried 4/0/0 (Cover recused)**

**In the Matter of Indiana License of Daria Crawford, R.Ph.**

License No. 26016023A

Administrative Cause No. 2006 IBP 0004

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Daria Crawford, Respondent

Thomas Shrack, Respondent's counsel

Christa Jewsbury, DAG

**Participating Board Members:**

Fanning

Anderson

Landis  
St. Angelo  
Cover

**Witnesses for the Respondent:**

Daria Crawford

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to deny the Respondent's petition.

**Landis/St. Angelo**

**Motion carried 5/0/0**

**In the Matter of Indiana License of John Eklund, R.Ph.**

License No. 26017157A

Administrative Cause No. 2006 IBP 0014

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

John Eklund, Respondent

Christa Jewsbury, DAG

**Participating Board Members:**

Fanning

Anderson

Landis

St. Angelo

Wall

Cover

**Witnesses for the Respondent:**

John Eklund

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw probation on Respondent's license.

**Landis/St. Angelo**

**Motion carried 6/0/0**

**In the Matter of the Indiana Certification of Kathy Jones, Pharmacy Technician**

License No. 67010096A

Administrative Cause No. 2008 IBP 0015

Re: Petition for Summary Suspension

**Parties and Counsel Present:**

Christa Jewsbury, DAG

**Participating Board Members:**

Fanning  
Anderson  
Landis  
St. Angelo  
Wall  
Cover

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The State of Indiana petitioned the board to summarily suspend the Respondent's license for ninety (90) days.

**Board Action:**

A motion was made and seconded to summarily suspend the Respondent's license for ninety (90) days.

**Landis/St. Angelo**

**Motion carried 6/0/0**

**In the Matter of Indiana License of Morris Skirvin, R.Ph.**

License No. 26014838A

Administrative Cause No. 2008 IBP 0010

Re: Default Hearing

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning  
Anderson  
Landis  
St. Angelo  
Wall  
Cover

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Notice of Proposed Default was issued adverse the Respondent's license

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**St. Angelo/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to revoke the Respondent's license.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following continuing education applications:

Jim Miller	(1.0 hr)
Alicia Thorne	(1.0 hr)
Sarah Williamson	(1.0 hr)
Susan Darrough	(1.0 hr)
Ann Yates	(3-1 hr)

**Landis/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to table the continuing education hours sought by Karen Gregson and request additional information on course work.

**Landis/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft  
Thomas MacLean  
Steven Zehring

**Landis/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to support the Medication Partnership of Indiana with notification by Director.

**Landis/Anderson**

**Motion carried 6/0/0**

*Board Member Winnie Landis was no longer in attendance as of 2:00 p.m.*

The Board approved the appearances of the following probationers:

Erik Blemker  
Gregory Dodds  
David Koszut  
Michael Long  
Christine Nafe  
Harish Nair  
Jeffrey Opel  
Stephen Szalewski  
Michael Werner

**Fanning/Wall**

**Motion carried 5/0/0**

The Board approved the appearances of the following probationers:

Mark Huntzinger  
Tony Jacobs  
Christopher King

Charles Lindstrom  
Dennis Mock  
Elaine Niese  
Jon Stetler

**Anderson/Wall**

**Motion carried 5/0/0**

A motion was made and seconded to approve the following probationary appearances:

Tara Feldhaus  
Traci Holling  
Angela Kruer  
Valerie Ziemkowski

**St. Angelo/Wall**

**Motion carried 4/0/0**

A motion was made and seconded to approve the following probationary appearances:

Gerry Bowman  
Keith Schmitt

**Wall/St. Angelo**

**Motion carried 4/0/0**

A motion was made and seconded to approve the following pharmacy technician applications with positive responses:

Sherry Lahne  
ShaShina Mitchell  
Scott Timberlake  
Larry Meece

**Fanning/Wall**

**Motion carried 4/0/0**

A motion was made and seconded to table the pharmacy technician applications for Rick Rains and Connie Brown request personal appearances.

**Fanning/Wall**

**Motion carried 4/0/0**

A motion was made and seconded to approve the following requests for a second technician-in-training permit.

Andrew Baughman  
Angela Hammer  
Susan Blair  
Angela Blosky  
Laquan Mason

**Fanning/Wall**

**Motion carried 4/0/0**

A motion was made and seconded to deny the pharmacy technician application for Jasmine Higgins and issue a technician-in-training certificate.

**Fanning/Wall**



**Motion carried 4/0/0**

A motion was made and seconded to approve the waiver request of Brittani Thomas.

**Fanning/St. Angelo**

**Motion carried 4/0/0**

A motion was made and seconded to table the non-resident pharmacy application for Rx Stat, Inc. with a request for additional information including availability hours of pharmacists and submission of sample labels.

**Cover/Fanning**

**Motion carried 4/0/0**

A motion was made and seconded to approve the non-resident pharmacy application for Walgreens Specialty Pharmacy, LLC.

**Anderson/St. Angelo**

**Motion carried 4/0/0**

A motion was made and seconded to approve the HME application for Therapy One, Inc.

**Cover/Fanning**

**Motion carried 4/0/0**

A motion was made and seconded approve the following renewal applications:

Khanh Thi – Pharmacist  
Charles Humphreys – Pharmacist  
Nolan Kuhn – Pharmacist  
Thomas Fry – Pharmacist  
James Carr – Pharmacist  
Harold George, Jr. – Pharmacist  
Christopher Miller – Pharmacist  
Frank Cockman – Pharmacist  
Laneora Padgett – Pharmacist  
Regina Bousum – Pharmacy Technician  
Bonnie Brown – Pharmacist

**St. Angelo/Wall**

**Motion carried 4/0/0**

A motion was made and seconded to table the following renewal applications and request a personal appearance:

Cassidy Meilbeck – Pharmacist Intern  
Deidra Potts – Pharmacist  
Candace Dewees – Pharmacist Intern

**St. Angelo/Wall**

**Motion carried 4/0/0**

**In the Matter of Indiana Registration of Janna Fett, Pharmacist Intern**

License No. 45015287A

Administrative Cause No. 2007 IBP 0022

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Janna Fett, Respondent

**Participating Board Members:**

Fanning  
Cover  
St. Angelo  
Wall

**Witnesses for the Respondent:**

Janna Fett

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw the probation of Respondent's license.

**Wall/St. Angelo**

**Motion carried 4/0/0**

**In the Matter of the Indiana Certification of Stefanie Brickey, Pharmacy Technician**

License No. 67012334A

Administrative Cause No.: 2008 IBP 0002

Re: Default Hearing

**Parties and Counsel Present:**

Christa Jewsbury, DAG

**Participating Board Members:**

Fanning  
St. Angelo  
Wall  
Cover

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Notice of Proposed Default was issued adverse the Respondent's license

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**Wall/Fanning**

**Motion carried 4/0/0**

A motion was made and seconded to revoke the Respondent's technician certification.

**Wall/St. Angelo**

**Motion carried 4/0/0**

**In the Matter of the Indiana Registration of Justin Knapke, Pharmacist Intern**

License No. 45013871A

Administrative Cause No. 2007 IBP 0021

Re: Petition to Withdraw Probation

Justin Knapke did not appear for the hearing.

**In the Matter of the Indiana Registration of Eric Spray, Pharmacist Intern**

License No. 45014206A

Administrative Cause No. 2007 IBP 0018

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Eric Spray, Respondent

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

**Witnesses for the Respondent:**

Eric Spray

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw the probation of Respondent's license.

**Fanning/St. Angelo**

**Motion carried 4/0/0**

**In the Matter of the Indiana Certification of Christina Egan, Pharmacy Technician**

License No. 67005213A

Administrative Cause No. 2008 IBP 0011

Re: Final Hearing

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The State of Indiana filed a Complaint against Respondent's license.

**Board Action:**

A motion was made and seconded to issue a Notice of Proposed Default.

**Wall/St. Angelo**

**Motion carried 4/0/0**

**In the Matter of the Indiana Registration of Laura Meshberger, Pharmacist Intern**

License No. 45014337A

Administrative Cause No. 2007 IBP 0020

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Laura Meshberger, Respondent

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

**Witnesses for the Respondent:**

Laura Meshberger

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw the probation of Respondent's license.

**St. Angelo/Fanning**

**Motion carried 4/0/0**

**In the Matter of the Indiana Certification of Eric Sanders, Pharmacy Technician**

License No. 67008921A

Administrative Cause No. 2005 IBP 0057

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Eric Sanders, Respondent

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

**Witnesses for the Respondent:**

Eric Sanders

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw the probation of Respondent's license upon submission by Respondent that his criminal probation is resolved.

**Wall/St. Angelo**

**Motion carried 4/0/0**

**In the Matter of the Indiana Registration of Michael West, Pharmacist Intern**

License No. 45014864A

Administrative Cause No. 2006 IBP 0034

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Michael West, Respondent

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

**Witnesses for the Respondent:**

Michael West

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board seeking to withdraw the probationary status on his license.

**Board Action:**

A motion was made and seconded to withdraw the probation of Respondent's license upon submission by Respondent that his criminal probation is resolved.

**Wall/St. Angelo**

**Motion carried 4/0/0**

**In the Matter of the Indiana Certification of Donielle Shead, Pharmacy Technician**

License No. 67008613A

Administrative Cause No. 2005 IBP 0036

Re: Order to Show Cause

**Parties and Counsel Present:**

Donielle Shead, Respondent

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

**Witnesses for the Respondent:**

Donielle Shead

**Witnesses for the State:**

None

**Case Summary:**

Board issued an Order to Show Cause.

**Board Action:**

A motion was made and seconded to suspend the Respondent's license for a period of thirty (30) days. Respondent may petition to withdraw suspension after thirty (30) suspension ends and must submit updated treatment information from therapist.

**Wall/St. Angelo**

**Motion carried 4/0/1 (Anderson)**

**In the Matter of the Indiana Certification of Jacob D. Barnett, Pharmacy Technician**

License No. 67010820A

Administrative Cause No. 2008 IBP 0016

Re: Petition for Summary Suspension

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

Cover

St. Angelo

Wall

Anderson

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The State of Indiana filed a Petition for Summary Suspension of the Respondent's certification.

**Board Action:**

A motion was made and seconded to summarily suspend the Respondent's certification for ninety (90) days.

**Fanning/Wall**

**Motion carried 5/0/0**

A motion was made and seconded to approve the wholesale drug distributor application:

Walco International, Inc. – Walcott, IA

Walco International, Inc. – Spencer, IA

**Anderson/Fanning**

**Motion carried 5/0/0**

A motion was made and seconded to table the wholesale drug distributor application for Air Liquide Healthcare America Corporation requesting additional information on the nature of the company's business.

**Anderson/Fanning**

**Motion carried 5/0/0**

A motion was made and seconded to deny the following printer vendor applications:

Web Graphics  
Joyce Graphics, Inc.  
Superior Press

**St. Angelo/Wall**

**Motion carried 5/0/0**

A motion was made and seconded to table the following printer vendor applications for review of "VOID" reflex security feature:

Drug Package, Inc.  
Wise Business Forms  
United Graphics Printing Group  
Rx Provisions, Inc.  
Fourth Street Business Forms  
First Quality Printing  
The Shamrock Companies, Inc.

**St. Angelo/Wall**

**Motion carried 5/0/0**

A motion was made and seconded to deny Rx Sample Solutions' printer vendor application because they do not make security paper and are not subject to the security feature requirement.

**St. Angelo/Anderson**

**Motion carried 5/0/0**

A motion was made and seconded to approve the pharmacist intern application for the following:

Amanda Harmelink – Positive Response  
Timothy Matthews – Positive Response

**Wall/St. Angelo**

**Motion carried 5/0/0**

A motion was made and seconded to approve the pharmacist applications for the following:

Kelly Cochran – Positive Response  
Christopher Duffy – Positive Response  
Eric Spray – Positive Response (pending receipt of information)  
Rachael Allwine – Positive Response  
Michelle Wannemuehler – Positive Response  
George Moffat – Positive Response

**Wall/St. Angelo**

**Motion carried 5/0/0**

A motion was made and seconded to approved the pharmacist application of Zahra Maleki pending receipt of an additional 100 internship hours

**Wall/Fanning**

**Motion carried 5/0/0**

A motion was made and seconded to table the pharmacist application for Joseph Conforti and the Board requested a personal appearance.

**Wall/St. Angelo**

**Motion carried 5/0/0**

**MISCELLANEOUS**

**Automated Will Call Machines**

Automated Will Call Pick-Up Systems ("System") were reviewed by the Indiana Board of Pharmacy and deemed acceptable for patient pick-up of prescriptions conditioned upon the following, in addition to all other applicable Indiana statute and rule: (a) the System is only available for prescription pick-up during pharmacy hours of operation; (b) the System fully complies with counseling requirements; and (c) the System operates within the licensed pharmacy area.

If the System is to be operated outside of the licensed pharmacy area, the pharmacy must be approved for a remodel to accommodate the System; consequently, the System will operate in the newly remodeled licensed area and meet the conditions set forth above.

The use of text on the System's computer screen or by recorded audio is sufficient to meet the counseling requirements of Rule 33.

Donna Wall advised the Board that during the prehearing conferences that met earlier in the day, deadlines were decided on the filings of witness lists, exhibit lists, and discovery. The administrative hearings will be scheduled for the August 11, 2008, Board meeting.

The meeting adjourned at 4:20 p.m.

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**William Cover, R.Ph., President**  
**Indiana Board of Pharmacy**

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**Date**

**Next Scheduled Meeting:**

Monday, July 14, 2008  
Indiana Government Center South  
Conference Center Room B